

1050 17<sup>th</sup> Street, N.W.  
Suite 1150  
Washington, DC 20036  
202.525.5717



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Ms. Marlene H. Dortch  
Secretary  
Federal Communications Commission  
445 12th St SW  
Washington, DC 20554

October 18th, 2017

**Notice of Ex Parte**

*In re Promoting Investment in the 3550–3700 MHz Band, GN Docket No. 17-258*

Dear Ms. Dortch,

On Tuesday, October 17th, 2017, Tom Struble and Joe Kane of the R Street Institute (“R Street”) met with Rachael Bender, Wireless and International Advisor for Chairman Pai, and Nathan Leamer, Policy Advisor for Chairman Pai. During this meeting, R Street discussed the above-captioned proceeding, regarding the Commission’s forthcoming Notice of Proposed Rulemaking and Order seeking to promote investment in the 3550–3700 MHz band (“3.5 GHz Band”).<sup>1</sup>

The licensing framework for Citizens Broadband Radio Service (“CBRS”) in the 3.5 GHz Band was a revolutionary concept when first devised by the President’s Council of Advisors on Science and Technology in 2012.<sup>2</sup> With its three-tiered hierarchy of licenses, moderated dynamically by a spectrum access system (“SAS”), the CBRS framework could enable shared access to Federal spectrum in the 3.5 GHz Band by private users in a rapid and cost-efficient manner.<sup>3</sup> Moreover, if successful, the CBRS framework could be used as a template for opening up other Federal spectrum bands for private use in the future. If the three-tiered CBRS framework were abandoned, though, we would never know how much promise this innovative and experimental framework could deliver in the future.

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<sup>1</sup> See *Promoting Investment in the 3550–3700 MHz Band*, Notice of Proposed Rulemaking and Order, GN Docket No. 17-258 (Oct. 3, 2017), available at <https://goo.gl/sMZtjG>.

<sup>2</sup> See President’s Council of Advisors on Sci. & Tech., Exec. Office of the President, *Report to the President: Realizing the Full Potential of Government-Held Spectrum to Spur Economic Growth* 22–27 (July 2012), available at <https://goo.gl/8ujmqa>.

<sup>3</sup> *Id.*

For that reason, R Street joined a coalition effort urging the Commission to reject any efforts to fundamentally alter the three-tiered CBRS framework, including any efforts to effectively eliminate the tier for unlicensed General Authorized Access.<sup>4</sup> While R Street recognizes that the 3.5 GHz Band will be vital spectrum for carriers' deployment of 5G services going forward,<sup>5</sup> that consideration does not warrant wholesale abandonment of the three-tiered CBRS framework.

However, both T-Mobile and CTIA identified significant changes that could be made within the existing CBRS three-tiered framework to further incentivize investment and deployment in the 3.5 GHz Band,<sup>6</sup> including allowing Priority Access Licensees to establish renewal expectancy, under certain conditions, and allowing for partitioning and disaggregation of licenses in secondary market transactions. These proposed changes deserve consideration.

Thus, R Street was encouraged that the Commission has proposed to reject attempts to fundamentally alter the structure of the band plan while also seeking comment on ways to potentially increase the utility and availability of CBRS for all potential users. R Street looks forward to engaging in further dialogue on these proposed changes going forward.

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In accordance with Section 1.1206(b) of the Commission's rules,<sup>7</sup> this letter is being filed with your office. If you have any questions, please contact the undersigned.

Respectfully submitted,

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<sup>4</sup> See *Amendment of the Commission's Rules with Regard to Commercial Operations in the 3550–3650 MHz Band*, Letter by Center for Rural Strategies et al., GN Docket No. 12-354 (June 19, 2017), available at <https://goo.gl/5C22z7>; see also Petition of T-Mobile USA, Inc. for Rulemaking to Maximize Deployment of 5G Technologies in the Citizens Broadband Radio Service, RM-11798, 9–11 (June 19, 2017) ["T-Mobile Petition"], available at <https://goo.gl/5HDVfN> (calling for the entire 3.5 GHz Band to be used for Priority Access Licensees).

<sup>5</sup> See, e.g., T-Mobile Petition, at 5–9.

<sup>6</sup> See *id.*, 11–20; Petition of CTIA for Rulemaking to Amend the Commission's Rules Regarding the Citizens Broadband Radio Service in the 3550–3700 MHz Band, RM-11788, 3–12 (June 16, 2017) ["CTIA Petition"], available at <https://goo.gl/FprVo9>.

<sup>7</sup> 47 C.F.R. § 1.1206(b).

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Tom Struble  
Technology Policy Manager  
R Street Institute  
[tstruble@rstreet.org](mailto:tstruble@rstreet.org)

Joe Kane  
Technology Policy Associate  
R Street Institute  
[jkane@rstreet.org](mailto:jkane@rstreet.org)

cc: Rachael Bender  
[rachael.bender@fcc.gov](mailto:rachael.bender@fcc.gov)

Nathan Leamer  
[nathan.leamer@fcc.gov](mailto:nathan.leamer@fcc.gov)